

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION**

MICHAEL A. ELLISON,

Plaintiff,

v.

GEORGIA DEPARTMENT OF  
CORRECTIONS; BRIAN OWENS,  
Commissioner; DARRELL HART,  
Warden; and SHIRLYN THOMAS,  
Deputy Warden,

Defendants.

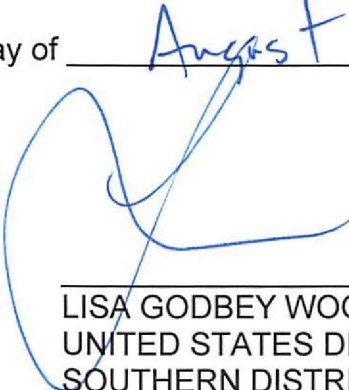
CIVIL ACTION NO.: CV514-011

**ORDER**

After and independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Plaintiff filed Objections. In his Objections, Plaintiff contends that he filed a cause of action in the Fulton County Superior Court on or around June 20, 2013, which was well within the applicable statute of limitations period. Even accepting Plaintiff's contention as true, his filing of a cause of action in a state court has no bearing on whether his 42 U.S.C. § 1983 cause of action was filed timely. Plaintiff also contends that his claims are related because they are based on a breach of duty and reckless endangerment.

Plaintiff's Objections are **overruled**. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Plaintiff's Complaint is **DISMISSED** based on his failure to state a claim upon which relief may be granted. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 11 day of August, 2014.



LISA GODBEY WOOD, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA